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Request	Application Number	09/768,881
For		-

Request	Application Number	09/768,881
For	Filing Date	January 24, 2001
Continued Examination (RCE)  Transmittal	First Named Inventor	Robert John Tinsley
Address to:	Art Unit	2665
Mail Stop RCE Commissioner for Patents  SEP 0 2 2004	Examiner Name	Nguyen, S.H.D.
P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket Number	1322/58

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

<ol> <li>Submission required under 37 CFR 1.114 Note: If the RCE is proper, amendments enclosed with the RCE will be entered in the order in which they we applicant does not wish to have any previously filed unentered amendment(s) ent amendment(s).</li> </ol>	re filed unless applicant instructs otherwise. If
a. Previously submitted. If a final Office action is outstanding, any amend considered as a submission even if this box is not checked.	lments filed after the final Office action may be
i. Consider the arguments in the Appeal Brief or Rely Brief previou	sly filed on
li. U Other	
b. X Enclosed	
i. X Amendment/Reply iii. X I	nformation Disclosure Statement (IDS)
ii. Affidavit(s)/ Declaration(s) iv.	Other
2. Miscellaneous	
Suspension of action on the above-identified application is requested period of months. (Period of suspension shall not exceed 3 months.)	• •
b. Other	* * * *
3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 whe	
The Director is hereby authorized to charge the following fees, or cred Deposit Account No. $50-0426$	dit any overpayments, to
i. $X$ RCE fee required under 37 CFR 1.17(e)	
ii. Extension of time fee (37 CFR 1.136 and 1.17)	
iii. Other	
b. Check in the amount of \$	enclosed
c. Payment by credit card (Form PTO-2038 enclosed)	
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SIGNATURE OF APPLICANT, ATTORNEY, OR A	
Name (Print/Type) Gregory A. Hupt	Registration No. (Attorney/Agent) 41,085
Signature ) Ly (A. )	Date September 2, 2004
CERTIFICATE OF MAILING OR TRANS	
I hereby certify that this correspondence is being deposited with the United States Postal Service with addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-145 Office on the date shown below. Express Mailing Label No. EV501977136US	n sumcient postage as express mail in an envelope 0 or facsimile transmitted to the U.S. Patent and Trademark
Name (Print/Type) Shay Jor E. Dunn	I Data I Santanila 2 2004
Signature Mayur	Date   September 2, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Efficitive 10/01/2003. Patent fees are subject to annual revision.

pplicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 770.00

Name (Print/Type)

Gregory A. Hunt

Complete if Known				
Application Number	09/768,881			
Filing Date	January 24, 2001			
First Named Inventor	Robert John Tinsley			
Examiner Name	Nguyen, S.H.D.			
Art Unit	2665			
Attorney Docket No.	1322/58			

METHOD OF PAYMENT (check all that apply)  FEE CALCULATION (continued)			ECALCULATION (continued)				
Check Credit card Money Other None 3. ADDITIONAL FEES							
Order - Order			Entity	Small	Entity		
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	any overpayments	1812		1812 2		For filing a request for ex parte reexamination	$\vdash$
Charge any additional fee(s) or any underpaym	nent of fee(s)	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
Charge fee(s) indicated below, except for the	filing fee	1805	1,840*	1805	1,840*	Requesting publication of SIR after	
to the above-identified deposit account.						Examiner action	$\vdash$
FEE CALCULATION		1251	110	2251	55	Extension for reply within first month	
1. BASIC FILING FEE		1252	420	2252	210	Extension for reply within second month	$\vdash$
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1001 770 2001 385 Utility filing fee		1255	2,010	2255	1,005	Extension for reply within fifth month	$\vdash$
1002 340 2002 170 Design filing fee		1401	330	2401	165	Notice of Appeal	
1003 530 2003 265 Plant filing fee		1402	330	2402	165	Filing a brief in support of an appeal	$\vdash$
1004 770 2004 385 Reissue filing fee		1403	290	2403	145	Request for oral hearing	$\vdash$
1005 160 2005 80 Provisional filing f	ee	1451	1,510	1451	1,510	Petition to institute a public use proceeding	$\square$
SUBTOTAL (1)	(\$)	1452	110	2452	55	Petition to revive - unavoidable	
		1453	1,330	2453	665	Petition to revive - unintentional	$\vdash$
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Ext <u>ra Claim</u> s	below Fee Paid	1502	480	2502	240	Design issue fee	
Total Claims20** = X		1503	640	2503	320	Plant issue fee	
Claims - 3** =		1460	130	1460	130	Petitions to the Commissioner	
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1202 18 2202 9 Claims in excess	of 20	1809	770	2809	385	property (times number of properties) Filing a submission after final rejection	$\vdash$
1201 86 2201 43 Independent clair	ms in excess of 3	1003	,,,	2000	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	(37 CFR 1.129(a))	
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1204 86 2204 43 ** Reissue indep over original pa		1801	770	2801	385	examined (37 CFR 1.129(b))  Request for Continued Examination (RCE)	770.00
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**or number previously paid if greater: For Reissues, see above				770.00			
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SUBMITTED BY						(Complete (if applicable))	

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41,085

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Date of Deposit September 2, 2004

I hereby certify that this paper and all papers and fees referred to herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tinsley et al.

Group Art Unit: 2665

Serial No.: 09/768,881

Examiner: Nguyen, S. H. D.

Filed: January 24, 2001

Docket No.: 1322/58

Confirmation No.: 3806

For:

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\* \* \* \* \* \* \* \* \* \*

AMENDMENT AFTER FINAL REJECTION PURSUANT TO 37 C.F.R. § 1.116

Mail Stop RCE **Commissioner for Patents** P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This is responsive to the Official Action dated January 9, 2004. A petition for a 3month Extension of Time and a Notice of Appeal were filed on July 2, 2004, making the deadline for filing an appeal brief or a response to September 2, 2004. A Request for Continued Examination re-opening prosecution on the merits is being filed concurrently herewith. Favorable reconsideration is respectfully requested in view of the following Amendments and Remarks.

## <u>AMENDMENTS</u>

Please amend the subject U.S. Patent Application as indicated on the following sheets: